

Message

From: Chalfant, Mark [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C1D644333F94EA2AFF756BE6469E5AD-CHALFANT, MARK]
Sent: 11/10/2015 9:33:14 PM
To: Cohen, Adam [Adam.Cohen@dgsllaw.com]
CC: 'Block, Nathan' [Nathan.Block@bp.com]; Wilder, Scott [Wilder.Scott@epa.gov]
Subject: RE: Anaconda-Columbia Falls/Request for Back-up Cost Documentation
Attachments: ARCO_AGRMT-CBI-EXECUTED_2015.11.10.pdf

Adam:

Attached please find an executed copy of the confidentiality agreement. Your understanding of the agreement stated in the email below comports with my understanding. We will ship the cost documentation to you shortly.

Mark

From: Cohen, Adam [mailto:Adam.Cohen@dgsllaw.com]
Sent: Tuesday, November 03, 2015 10:00 AM
To: Chalfant, Mark
Cc: Cohen, Adam; 'Block, Nathan'
Subject: RE: Anaconda-Columbia Falls/Request for Back-up Cost Documentation

Mark – I'm returning the Confidentiality Agreement signed by Atlantic Richfield. I interpret Paragraphs 5 and 5.a to say that Atlantic Richfield and its counsel can receive and review confidential information under the agreement without signing Annex 2, whereas disclosure of documents to other employees of Atlantic Richfield and non-lawyer employees of Atlantic Richfield's counsel is subject to having such recipients sign Annex 2. In other words, it does not appear that either Atlantic Richfield's in-house counsel (Nathan Block) or I need to execute Annex 2 in order to have access to the confidential information that EPA will be providing. If you disagree with this interpretation, please call me to discuss. Otherwise, please return a fully signed copy of the Agreement to me for my files.

ADAM S. COHEN

P: 303.892.7321 • C: 720.936.3017 • P: 303.892.9400 • [vcard](#)

Davis Graham & Stubbs LLP

1550 17th Street, Suite 500 • Denver, CO 80202

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From: Chalfant, Mark [mailto:Chalfant.Mark@epa.gov]
Sent: Friday, October 30, 2015 11:36 AM
To: Cohen, Adam
Subject: RE: Anaconda-Columbia Falls/Request for Back-up Cost Documentation

Adam:

I hope you enjoyed your time off. Thank you for getting back to me on the proposed confidentiality agreement. EPA has accepted your requested changes. Attached please find a final version for review and signature. Please return a signed copy by email at your earliest opportunity.

Thank you.

Mark

From: Cohen, Adam [<mailto:Adam.Cohen@dgsllaw.com>]
Sent: Thursday, October 22, 2015 5:57 PM
To: Chalfant, Mark
Cc: Cohen, Adam
Subject: RE: Anaconda-Columbia Falls/Request for Back-up Cost Documentation

Mark – I am back in the office, and I've now had a chance to review the proposed confidentiality agreement. I would like to propose three minor changes, as indicated in the attached redline:

1. Change all references from "ARCO" to "Atlantic Richfield." Atlantic Richfield Company and the retail gasoline company ARCO are actually different entities. As a result, Atlantic Richfield does its best not to use the ARCO acronym in its documents.
2. Add a sentence to Paragraph 3 stating that Atlantic Richfield can request that EPA make a confidentiality determination as to particular documents that have been produced. This is consistent with other CBI agreements we have entered into with EPA.
3. Add a clarification to Paragraph 4 that produced documents not marked as CBI are not subject to the requirements of the agreement. Again, this is consistent with other EPA CBI agreements, and it is intended to avoid future confusion.

If these changes are acceptable, please finalize the agreement for signature.

ADAM S. COHEN

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From: Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]
Sent: Monday, October 05, 2015 12:43 PM
To: Cohen, Adam
Subject: Anaconda-Columbia Falls/Request for Back-up Cost Documentation

Mr. Cohen:

EPA has pulled the back-up cost documentation which your client, Atlantic Richfield Company, requested in connection with EPA's June 9, 2015 general notice letter and demand for payment of response costs in connection with the Anaconda Co Columbia Falls Reduction Plant Superfund Site in Flathead County, Montana. Attached please find a proposed confidentiality agreement which covers EPA contractor proprietary information. Please sign and return the agreement at your earliest opportunity. EPA will send you the cost documentation once we have received the executed agreement.

Thank you.

Mark

Mark A.R. Chalfant
Attorney
Legal Enforcement Program

ED_002345B_00003664-00002

Office of Enforcement, Compliance and Environmental Justice | U.S. EPA Region 8
303.312.6177 | chalfant.mark@epa.gov

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